IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

WP(C).No. 15080 of 2007(T)

PETITIONER: PETITIONER

DR.THOMAS.P.E.,
10,NEETHU'S HOUSE,V.K.ROAD,
CHINNAKKADA,KOLLAM 691 001.

BY ADV. DR.THOMAS.P.E.(PARTY-IN-PERSON)

RESPONDENTS: RESPONDENTS

1. THE UNION OF INDIA,
   REP.BY THE SECRETARY FOR TRANSPORT AND NATIONAL-
   HIGHWAYS,GOVT.OF INDIA,TRANSPORT BHAVAN,
   PARLIAMENT STREET,NEW DELHI-1.

2. THE DIRECTOR,CENTRAL BUREAU OF
   INVESTIGATION,GOVT.OF INDIA,
   C.G.O.COMPLEX,LODHI ROAD,
   NEW DELHI-110 003.

3. STATE OF KERALA,
   REP.BY THE CHIEF SECRETARY,
   GOVT.OF KERALA,GOVT.SECRETARIAT,
   TRIVANDRUM.

4. MR.T.U.KURUVILA,HON'BLE MINISTER FOR
   P.W.D.,GOVT.OF KERALA,
   GOVT.SECRETARIAT,TRIVANDRUM.

SHRI.SREEKUMAR, SC FOR R2.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No. 15080 of 2007

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Dated this the 23rd day of May, 2007

J U D G M E N T

The petitioner appears and argues the writ petition for admission in person. The petitioner's contention is that he is an unemployed person and has applied for allotment of space at the S.N. College Junction, Kollam, for running a shop for selling stamp, stamp papers etc. However, by Ext.P2 order, the Government informed him that due to lack of space for installing a the bunk at the S.N.College Junction, the Government is unable to give permission for the same. The petitioner's contention is that this is at the instance of the 4th respondent-Minister for Public Works Department. He alleges mala fides against the 4th respondent.

2. The petitioner has not made out a prima facie case for admission of this writ petition. The petitioner does not have any absolute right for allotment of space for installing a bunk by the

side of the highway. It is the duty of the Department to see that the highway is not cramped by installation of too many bunks by the side of it. When the appropriate authority says that there is no space for installing the bunk at the S.N.College Junction by the side of the Highway, this Court has no reason to disbelieve the same, in the absence of any material supplied by the petitioner. In any event, even if space has to be alloted, the concerned authority cannot do that merely on the application of the petitioner without inviting applications from other intending persons who also would be interested in establishing a bunk just like the petitioner as the same would violate Articles 14 and 16 of the Constitution of India. The petitioner also seeks a direction to the third respondent to conduct an enquiry against the 4th respondent-Minister and Government officials on the allegations of corruption raised by the petitioner . There is absolutely no material before me to come to a conclusion that such an enquiry is warranted.

In the above circumstances, I do not find any merit in the writ petition and accordingly the same is dismissed.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.